

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA)
Plaintiff-Appellee,)

vs.)

MONTEZ GADDY)
Defendant-Appellant.)

DOCKET NO. 15-4551
3:13-cr-325-RJC-01

**RESPONSE TO APPELLANT’S MOTION TO SUBSTITUTE/APPOINT
NEW COUNSEL AND MOTION TO WITHDRAW AS COUNSEL**

Now Comes Denzil H. Forrester, counsel for the Appellant, Montez Gaddy, and hereby responds to his letter [motion] requesting substitute counsel. Additionally, counsel moves this Honorable Court for an order allowing him to withdraw from further representation of Appellant, Montez Gaddy, on appeal. As grounds for this motion, the undersigned counsel submits the following:

1. That on or about September 15, 2015, counsel was appointed to represent Montez Gaddy, hereafter Appellant, in the above captioned matter. That on September 23, 2015, counsel received a letter from Appellant requesting that the undersigned withdraw from this matter.
2. That on September 24, 2015, the undersigned was notified of a letter/ *pro se* Motion to Relieve Counsel [3:13-cr-325-RJC-01, Document 70] filed by Appellant to the District Court requesting removal of the undersigned.

3. That Counsel does not agree with the accusations stated in Appellant's letter. The record, trial transcript and pleadings, does not support Appellant's allegations.

MOTION TO WITHDRAW

1. Counsel reincorporates the statements as set forth hereinabove.
2. The fact that the above statements, in Document 70, were proffered as a basis for withdrawal in Appellant's *pro se* motion, is evidence of lack of trust. The undersigned believes this bodes disaster for a constitutionally-close legal relationship between counsel and Appellant.
3. Appellant's letter [motion] indicates he might raise the issue of ineffective assistance of counsel.
4. Counsel does not desire to represent the Appellant in the future, since he portends to raise the allegation of ineffective assistance of counsel.
5. Counsel will be placing himself in jeopardy of accusations of ineffective assistance by continuing further representation.
6. Appellant needs to have counsel whom he can confer with, without any adversarial undertone as there appear to be at this point in time.

7. It is in the best interest of both counsel and Appellant that the undersigned be allowed to withdraw as Counsel and that substitute counsel be appointed to perfect Appellant's appeal.
8. Counsel will cooperate in all manners to facilitate the transfer of files and other documents to new counsel.
9. That this matter is in its infancy to where another counsel can be appointed without serious stress being experienced by the Court, Appellee or the Appellant.

WHEREFORE, Counsel herein respectfully requests this Court to enter an Order allowing counsel to withdraw thereby relieving him of further duties. Insofar as the Appellant is an indigent; the undersigned prays this Court will assigned substitute counsel to represent Appellant in this matter.

Respectfully Submitted,

THIS: the 24th day of September 2015.

s/Denzil H. Forrester

N.C. State Bar No. 24976

Attorney for Defendant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day a copy of the foregoing Response and Motion was served on Appellant Montez Gaddy via U.S. Postal Service pre-paid mail only and on Counsel for all parties via electronic filing, addressed as follows:

E-Mail: Ms. Amy Elizabeth Ray: amy.ray@usdoj.gov,

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s/Denzil H. Forrester

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